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Oct. 6, 2006

Date

Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Phillips et al.  
Application No.: 09/975,748  
Filed: October 10, 2001  
Title: SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE

Examiner: Marlon T. Fletcher

Art Unit: 2837

Docket No.: 35073.001

Date: October 6, 2006

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RESPONSE TO PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Sir:

In response to the Decision, mailed September 25, 2006, Applicant's representative would like to thank the Petitions Attorney for Granting the petition.

Applicant's representative herewith provides previously filed documents that address the questions and concerns posed by the Petitions Attorney that begin on page 2, first paragraph, as follows:

1. Revocation and Substitute Power of Attorney originally filed May 4, 2006.
2. Change of Correspondence Address and Docket No. originally file May 4, 2006.

3. Assignment Transmittal and Assignment originally filed May 4, 2006.
4. Amendment Transmittal and Amendment originally filed May 4, 2006.

**5. New Change of Docket No.**

Applicant's representative does not believe an additional fee is due. But, at anytime during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-2976 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account No. 50-2976 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. This notice is being submitted in duplicate.

Respectfully submitted,

Mark E. Phillips

OLYMPIC PATENT WORKS PLLC



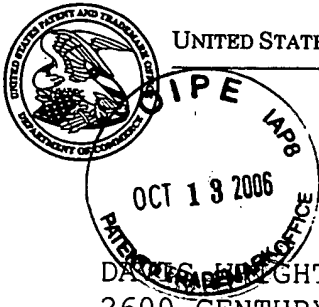
Robert W. Bergstrom

Registration No. 39,906

Enclosures:

- Postcard
- Copy of Petition
- Copy of originally filed Revocation and Substitute Power of Attorney
- Copy of originally filed Address and Docket No. Change
- Copy of originally filed Assignment Transmittal and Assignment
- Copy of originally filed Amendment Transmittal and Amendment
- New Docket No. Change

Olympic Patent Works PLLC  
P.O. Box 4277  
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206.621.5302 fax



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DANIEL HIGHT TREMAINE, LLP  
2600 CENTURY SQUARE  
1501 FOURTH AVENUE  
SEATTLE, WA 98101-1688

In re Application of  
Phillips, et al.  
Application No. 09/975,748  
Filed: October 10, 2001  
Docket No.: 480180.403

:  
: DECISION ON PETITION  
:  
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This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 9, 2006, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned November 29, 2002 for failure to timely reply to the non-final Office action mailed August 28, 2002. The non-final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed March 10, 2003.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith in accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See, Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated

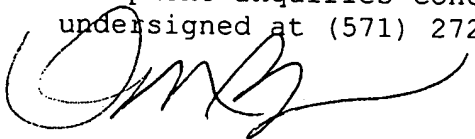
under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that practitioner herein has been empowered to represent the instant application. Moreover, the correspondence address indicated in the instant petition differs from that currently of record. If practitioner desire to receive future correspondence regarding this application, the appropriate documentation must be submitted to the Office. **Please be advised that all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.**

This application is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown  
Petitions Attorney  
Office of Petitions

CC: OLYMPIC PATENT WORKS PLLC  
P.O. BOX 4277  
SEATTLE, WA 98194-0277



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5-4-06  
Date

Joanne Bourguignon

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mark E. Phillips et al.  
Application No. : 09/975,748  
Filed : October 10, 2001  
For : SELECTION IN A PORTABLE AUDIO DEVICE  
Examiner : Marlon T. Fletcher  
Art Unit : 2837  
Docket No. : 35053.006 (new)  
Date : April 29, 2006

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Alexandria, VA 22313-1450

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REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Sir:

In the matter of the above-identified application, I, Mark E. Phillips, declare that I am the Owner of the above-identified patent application. Documentary evidence of chain of title from the original owner FULLPLAY MEDIA SYSTEMS to MARK E. PHILLIPS has been filed with the United States Patent Office. The evidentiary documents referred to in the instant Revocation and Power of Attorney have been reviewed by the undersigned; and it is certified that, to the best of MARK E. PHILLIPS' knowledge and belief, title is in MARK E. PHILLIPS. I hereby revoke all power of attorney heretofore given and hereby appoint ROBERT W. BERGSTROM, Registration No. 39,906; PATRICK R. TURNER, Registration No. 49,050, and RICHARD L. BELL, Registration No. 54,614 comprising the firm of OLYMPIC PATENT WORKS PLLC, 401 Second Ave. South, Suite 750, P.O. Box 4277, Seattle, Washington 98194-0277 as the principal attorneys with full power of substitution, association, and revocation to prosecute said application, to transact all

business in the Patent and Trademark Office connected therewith, and to receive the letters patent therefor. Please direct all future correspondence to:

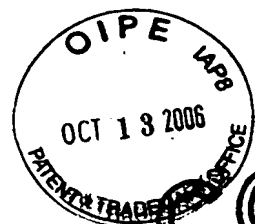
ROBERT W. BERGSTROM  
OLYMPIC PATENT WORKS PLLC  
P.O. Box 4277  
Seattle, Washington 98194-0277

and direct all telephone calls to at (206) 621-1933 and telecopies to (206) 622-5302.  
Please associate Olympic Patent Works Customer Number 34395 with this case.

MARK E. PHILLIPS

May 1, 2006  
Date

Mark E. Phillips  
Mark E. Phillips



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5-4-06  
Date

Joanne Bourguignon  
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Phillips et al.  
Application No.: 09/975,748  
Filed: October 10, 2001  
Title: SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE

Examiner: Marlon T. Fletcher  
Art Unit: 2837  
Docket No.: 35053.006 (new)  
Date: May 4, 2006

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Commissioner for Patents  
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Alexandria, VA 22313-1450

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CHANGE OF CORRESPONDENCE ADDRESS AND DOCKET NO.

Sir:

The undersigned attorney of record requests that the correspondence address in the above-identified application be changed to:

ROBERT W. BERGSTROM  
OLYMPIC PATENT WORKS *ELL*C  
P.O. Box 4277  
Seattle, Washington 98194-0277  
(206) 621-1933  
Fax: (206) 621-5302

Also, please note the new Docket No. 35053.006. We ask that you please use this new Docket No. on all future correspondence.

Please associate Olympic Patent Works Customer Number 34395 with this case.

Respectfully submitted,  
Mark E. Phillips et al.  
OLYMPIC PATENT WORKS *ELL*C

Robert W. Bergstrom  
Robert W. Bergstrom  
Registration No. 39,906



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OLYMPIC PATENT WORKS <sup>PH</sup>LLC  
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Docket No.: 35053.006  
Date: May 4, 2006

In re application of **Mark E. Phillips et al.**  
Application No.: **09/975,748**  
Filed: **October 10, 2001**  
For: **SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE**

MAIL STOP PETITIONS  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

Transmitted herewith is **an amendment** in the above-identified application.

[ ] A Petition for an Extension of Time for one month is enclosed.

[X] No additional claim fee is required.

[X] The fee has been calculated as shown.

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREV. PAID FOR	PRESENT EXTRA
TOTAL	* 20	MINUS	** 20	
INDEP.	* 3	MINUS	*** 3	
[ ] FIRST PRESENTATION OF MULTIPLE CLAIMS				
PETITION TO REVIVE				
TOTAL ADDITIONAL FEE				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
	\$ 750
	\$ 750

OR

OTHER THAN A SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
	\$
	\$

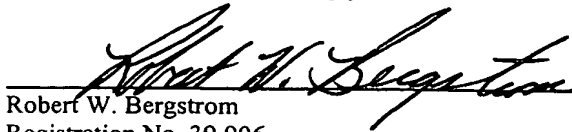
OR

TOTAL

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.  
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [ ] Please charge my Deposit Account No. 50- in the amount of \$   . A duplicate copy of this sheet is enclosed.  
[X] A check in the amount of \$ 750 is attached.  
[X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-. A duplicate copy of this sheet is enclosed.  
[X] Any filing fees under 37 CFR 1.16 for the presentation of extra claims.  
[X] Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
**Mark E. Phillips et al.**  
OLYMPIC PATENT WORKS <sup>PH</sup>LLC

  
Robert W. Bergstrom  
Registration No. 39,906



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S-4-06  
Date

Joanne Bourguignon  
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Phillips et al.  
Application No.: 09/975,748  
Filed: October 10, 2001  
Title: SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE

Examiner: Marlon T. Fletcher

Art Unit: 2837

Docket No.: 35053.006 (new)

Date: May 4, 2006

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AMENDMENT

INTRODUCTORY COMMENTS

Sir:

In response to the Office Action dated August 28, 2002, please find enclosed a Petition to Revive and fee. Please amend the application as follows:

AMENDMENTS TO THE CLAIMS

1. (original) A system for the display and control of music selection in a hand-held portable multi-media device, the system comprising:

a housing sized to be held by a user;

a circuit board within the housing;

a battery power supply to provide electrical power to electrical circuitry on the circuit board;

a data structure to store a plurality of music data files, each music selection data file having identification data associated therewith;

a display to display data comprising a playlist indicating music data files to be played;

an input device operable by the user to select identification data associated with desired music data files for the playlist;

a processor responsive to the input device to select the music data files for the playlist based on the user selected identification data;

a CODEC to receive the selected music data files and convert the selected music data files to audio data; and

an audio output driver coupled to the CODEC to receive the audio data therefrom, the audio output driver further having an output and providing analog signals to the output for connection to an audio output device.

2. (original) The system of claim 1 wherein the data structure contains music data files having different data format types.

3. (original) The system of claim 1 wherein the data associated with the stored music data files comprises song names and the display displays the song names, the user manually generating the playlist by operating the user input device to select song names and the processor generating the playlist based on the selected song names.

4. (original) The system of claim 1 wherein the data associated with the stored music data files comprises metatags and the display displays the metatags, the user generating the playlist by operating the user input device to select metatags and the processor generating the playlist based on the selected metatags.

5. (original) The system of claim 1, further comprising an associated data structure wherein the associated data comprises a plurality of data types, the processor analyzing the music data file to determine one or more associated data types and storing each of the data types for each music data file in the associated data structure in association with the music data file.

6. (original) The system of claim 5 wherein the processor selects the music data files for the playlist by generating an indicator to indicate a storage location in the associated data structure for an associated data type for each of the selected music data files.

7. (original) The system of claim 1 wherein the associated data comprises a plurality of data types and the user selects a desired data type using the user input device, the display displaying the user-selected data type associated with each of the plurality of music data files.

8. (original) The system of claim 1 wherein the associated data comprises a plurality of data types and the display displays all associated data types for a user-selected one of the music data files.

9. (original) The system of claim 1, further comprising a selection data structure wherein the playlist is stored for subsequent use.

10. (original) The system of claim 1 wherein the processor alters the stored playlist and wherein the altered playlist is stored for subsequent use.

11. (original) The system of claim 1 wherein the processor is responsive to the input device to select music data files based on user-selection of a plurality of identification data associated with the music data files.

12. (original) A method for the automatic control of music selection in a hand-held portable multi-media device, the method comprising:

storing a plurality of music data files, each music selection data file having identification data associated therewith;

sensing user operation of an input device to select identification data associated with desired music data files for the playlist;

selecting a portion of the music data files to generate the playlist based on the user selected identification data;

processing the selected music data files with a CODEC to convert the selected music data files to audio data; and

providing the audio data to an output for connection to an audio output device.

13. (original) The method of claim 12 wherein the music data files have different data format types.

14. (original) The method of claim 12 wherein the data associated with the stored music data files comprises song names, the method further comprising displaying the song names and sensing user-operation of the input device to manually generate the playlist by operating the user input device to select song names wherein selecting comprises generating the playlist based on the selected song names.

15. (original) The method of claim 12 wherein the data associated with the stored music data files comprises metatags, the method further comprising displaying the metatags and sensing user-operation of the input device to select metatags wherein selecting comprises generating the playlist based on the selected metatags.

16. (original) The method of claim 12 wherein the associated identification data comprises a plurality of data types, the method further comprising analyzing the music data file to determine one or more associated data types and storing each of the data types for each music data file in association with the music data file.

17. (original) The method of claim 12, further comprising sensing user input to select a plurality of identification data wherein selecting music data files is based on the user-selected plurality of identification data associated with the music data files.

18. (original) A computer-readable media that causes a processor to control of music selection in a hand-held portable multi-media device by performing the steps of:

- storing a plurality of music data files, each music selection data file having identification data associated therewith;

- sensing user operation of an input device to select identification data associated with desired music data files for the playlist;

- selecting a portion of the music data files to generate the playlist based on the user selected identification data;

- processing the selected music data files with a CODEC to convert the selected music data files to audio data; and

- providing the audio data to an output for connection to an audio output device.

19. (original) The computer-readable media of claim 18 wherein the data associated with the stored music data files comprises metatags, the computer-readable media causing the processor to perform the steps of displaying the metatags and sensing user-operation of the input device to select metatags wherein selecting comprises generating the playlist based on the selected metatags.

20. (original) The computer-readable media of claim 18, further causing the processor to sense user input to select a plurality of identification data and

select music data files based on the user-selected plurality of identification data associated with the music data files.

REMARKS

Claims 1-20 are pending in the current application. In an Office Action dated August 28, 2002, the Examiner rejected claims 1-5 and 7-20 under 35 U.S.C. §103(a) as being unpatentable over Winksy et al., U.S. Patent No. 5,739,451, and conditionally allowed claim 6. Applicants' representative wishes to thank the Examiner for the conditional allowance of claim 6, but defers rewriting claim 6 until the Examiner has had a chance to review the arguments, below. Applicants' representative respectfully traverses the 35 U.S.C. §103(a) rejections of claims 1-5 and 7-20.

Claim 1 of the current application includes the following elements that specifically mention a playlist: (1) "a display to display data comprising a *playlist* indicating music from data files to be played; (2) an input device operable by the user to select identification data associated with desired music data files for the *playlist*; and (3) a processor responsive to the input device to select the music data files for the *playlist* based on the user-selected identification data. Independent claim 12 similarly includes two elements that specifically mention the playlist, and independent claim 18 also includes two elements that specifically mention the playlist. The term "playlist" is first introduced in the detailed description of the invention on line 4 of page 3. Beginning at the end of line 5 on page 3, the current application describes a "jukebox manager [that] provides a user with a quick, flexible tool to organize music into playlists. ... the system supports different play file formats and allows a user to generate or edit a playlist regardless of the format of the data file." Beginning on line 16 of page 9, the current application discusses playlists, playlist editing, playlist creation, and other playlist-related features and capabilities of the claimed system and method. As discussed beginning on line 20 of page 9, a user "may simply activate the playlist to play musical tracts in the predetermined sequence shown in the playlist by pressing the selection control button 174." In summary, the current claims are directed to system and methods for control of music selection in hand-held portable multi-media devices based on playlists.

According to MPEP § 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Winsky does not teach, disclose, mention, or suggest playlists or playlist-based interfaces for music-playing devices. Instead, Winsky discloses a hand-held electronic music encyclopedia which stores snippets and selections of various songs, and provides an interface to allow a user to attempt to identify one particular song based on a title, lyrics, relative note or pitch values, and other such information. In rejecting claims 1, 12, and 18, in section 2 of the Office Action, the Examiner points to display device 16 in Figure 3 of Winsky as teaching or suggesting "a display to display data comprising a playlist indicating music data files to be played." Display screen 16 of Figure 3 of Winsky is simply a display screen. There is nothing in Winsky to indicate that this display screen displays playlists. The Examiner points to an input device 14 in Figure 3 and lines 60-64 of column 4 to teach or suggest "an input device operable by the user to select identification data associated with desired music data files for the playlist." Input device 14 in Winsky is simply a keyboard. Lines 60-64 of column 4 discuss a display control module 58 and note structure comparator 62. The comparator 62 "is connected at an input to keyboard 14 for receiving therefrom note structure data input by user for purpose of researching and ultimately identifying a song." Neither the keyboard nor the comparator teach, disclose, mention, or suggest anything at all related to a playlist. Winsky's device does not play songs from a playlist, and, in fact, does not store complete songs. It is not intended as an audio-rendering device for playing musical selections to user, such as an iPod® or Walkman®. Instead, it provides an interface for searching for, and identifying, a particular song. Winsky neither discusses nor discloses any feature, method, or component that allows a user to select a predetermined sequence of songs for play. For example, in the abstract of Winsky, Winsky states that:

A user actuated selection component is operatively connected to the first memory portion of the database and to the display for permitting operator selection of *a song* from a list of song titles shown on the display and inducing display of the lyrics stored in the first memory portion for the selected song. In

addition, a user actuated audio production element provided on the platform is operatively coupled to selection component and the database for enabling an audible reproduction of the segment stored in the second memory portion for *the selected song*. (emphasis added)

Selecting a particular song from a list of song titles does not constitute selecting a playlist. Moreover, careful reading of claim 1 reveals that, as carefully described in the current application, a playlist indicates music data files to be played.

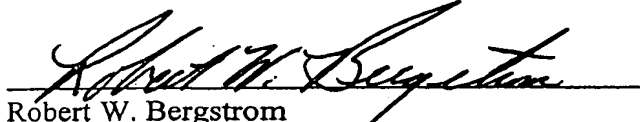
In summary, the currently claimed system and method is a playlist-based system and method for allowing a user to create and edit playlists and to select a playlist, thereby selecting audio reproduction of a sequence of songs represented by the playlist. Playlists are explicitly recited in all three independent claims. Winsky neither teaches, discloses, suggests, or mentions playlists, a device that plays a sequence of songs represented by playlists, or anything else related to playlists. Thus, the Examiner has failed to make a *prima facie* case for obviousness.

In Applicants' representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Mark E. Phillips et al.

OLYMPIC PATENT WORKS PLLC



Robert W. Bergstrom

Registration No. 39,906

Enclosures:

- Postcard
- Check
- Petition to Revive in duplicate
- Change of Address/Docket No.
- Revocation and Substitute Power of Attorney
- Transmittal in duplicate
- Assignment
- Form PTO/1595 in duplicate

Olympic Patent Works PLLC  
P.O. Box 4277  
Seattle, WA 98194-0277  
206.621.1933 telephone  
206.621.5302 fax



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hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Oct. 6, 2006  
Date

Joanne Bourguignon  
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Phillips et al.  
Application No.: 09/975,748  
Filed: October 10, 2001  
Title: SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE

Examiner: Marlon T. Fletcher  
Art Unit: 2837  
Docket No.: 35073.001 (new)  
Date: October 6, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CHANGE OF CORRESPONDENCE ADDRESS AND DOCKET NO.

Sir:

The undersigned attorney of record requests that the correspondence address in the above-identified application be changed to:

ROBERT W. BERGSTROM  
OLYMPIC PATENT WORKS <sup>®</sup>LLC  
P.O. Box 4277  
Seattle, Washington 98194-0277  
(206) 621-1933  
Fax: (206) 621-5302

Also, please note the new Docket No. 35073.001. We ask that you please use this new Docket No. on all future correspondence.

Please associate Olympic Patent Works Customer Number 34395 with this case.

Respectfully submitted,  
Mark E. Phillips et al.  
OLYMPIC PATENT WORKS <sup>®</sup>LLC

Robert W. Bergstrom  
Robert W. Bergstrom  
Registration No. 39,906

**PATENTS ONLY**

**COPY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.

1. Name of conveying party:

- 1) FULLPLAY MEDIA SYSTEMS, INC.  
2) \_\_\_\_\_  
3) \_\_\_\_\_  
4) \_\_\_\_\_  
5) \_\_\_\_\_  
6) \_\_\_\_\_

Additional names of conveying parties attached? ☐ Yes ☒ No

2. Name and address of receiving party:

Name: Mark E. Phillips

Internal Address: Suite 1100

Street Address: 720 - 3rd Ave

City: SEATTLE

State WA

Zip: 98104

Additional names & addresses attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Bill of Sale

Execution Dates:

- 1) MARCH 3, 2006 4) \_\_\_\_\_  
2) \_\_\_\_\_ 5) \_\_\_\_\_  
3) \_\_\_\_\_ 6) \_\_\_\_\_

4. Application number(s) or registration number(s):

If this document is being filed together with a new application,  
the execution date of the application is \_\_\_\_\_.

A. Patent Application Nos.  
09/975,748

B. Patent No.

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: OLYMPIC PATENT WORKS PLLC

Internal Address: ROBERT W. BERGSTROM

SUITE 750

Street Address: 401 SECOND AVE. SOUTH

City: SEATTLE State: WA ZIP: 98104

6. Total number of applications and patents involved.....

1

7. Total Fee (37 CFR 3.41): ..... \$40

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

50-2976

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

ROBERT W. BERGSTROM  
Name of Person Signing

*Robert W. Bergstrom*  
Signature

MAY 4, 2006  
Date

Total number of pages including cover sheet, attachments, and document: 4

RECEIVED

OCT 17 2006

## BILL OF SALE

OFFICE OF PETITIONS

This Bill of Sale (this "*Bill of Sale*") is executed and delivered by Mark E. Phillips ("*Purchaser*") and Rich Barber, as Plan Representative for Fullplay Media Systems, Inc. (formerly Interactive Objects) the debtor and debtor in possession in Bankruptcy Case No. 03-13592 pending in the United States Bankruptcy Court for Western District of Washington (the "*Seller*").

NOW, THEREFORE, the parties hereby agree as follows:

1. **Sale of Assets.** Seller, for valuable consideration, including without limitation, a cash payment of [REDACTED] (the "*Purchase Price*"), the receipt of which is hereby acknowledged, hereby sells, conveys, assigns, transfers, grants and conveys to Purchaser all right, title and interest in and to the patents set forth on Schedule A (the "*Assets*") unto Purchaser, his successors and assigns, forever

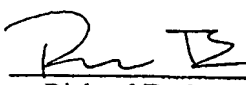
2. **Ownership of Assets.** Seller hereby covenants and agrees that it is the lawful owner of the Assets and that it has the right to sell the Assets, and pursuant to an order of the Bankruptcy Court presiding in Seller's Bankruptcy Case, the Assets are transferred to Purchaser free and clear of all liens, claims and encumbrances, except those specifically enumerated.

3. **Further Assurances.** Seller hereby agrees that it will, from time to time, execute and deliver such further instruments of assignment and transfer as may be reasonably requested by Purchaser to implement and effectuate this Bill of Sale and the assignment and transfer of the Assets so long as the bankruptcy case remains open.

4. **Governing Law.** This Bill of Sale shall be construed in accordance with and governed by the laws of the State of Washington.

IN WITNESS WHEREOF, the parties have caused this Bill for Sale to be executed effective as of this 31<sup>st</sup> day of March 2006.

SELLER:

By:   
Name: Richard Barber  
Title: Plan Representative

PURCHASER:

  
Mark E. Phillips

IN WITNESS WHEREOF, Assignor has executed and delivered this instrument to  
Assignee effective the 21 th day of May, 2006.

ASSIGNOR: FULLPLAY MEDIA SYSTEMS

Today's

Date: \_\_\_\_\_

By: RB

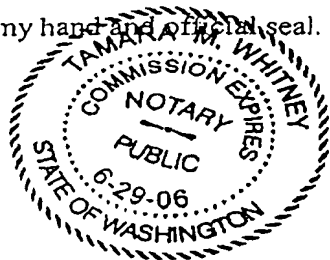
Richard Barber, Plan Representative

State of Washington

County of King

On 4/3/06 before me, Tamara M. Whitney, Notary Public, personally appeared Richard Barber personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.



Tamara M. Whitney  
Notary Public  
Commission Expires: 6/29/06